

THIRTY-SIXTH DAY - MARCH 1, 2006**LEGISLATIVE JOURNAL****NINETY-NINTH LEGISLATURE
SECOND SESSION****THIRTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 1, 2006

PRAYER

The prayer was offered by Pastor Kent Clark, Auburn Berean Church, Auburn.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Beutler, Byars, Loudon, Redfield, and Schrock who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fifth day was approved.

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendments to LB 834:

FA505

P. 2, line 1 strike "shall not" and insert "may", and in line 2 strike "in any other manner".

FA506

P. 2, line 2 strike "any matter" and insert "to which no political subdivision objects".

FA507

P. 2, line 3 strike "registration".

FA508

P. 2, line 3 strike "labeling".

FA509

P. 2, line 3 strike "sale".

FA510

P. 2, line 3 strike "transportation".

FA511

P. 2, line 3 strike "storage".

FA512

P. 2, line 4 strike "distribution".

FA513

P. 2, line 4 strike second appearance of "use".

FA514

P. 2, line 4 strike "planting".

FA515

P. 2, lines 4 and 5 strike ", or cultivation of seeds".

RESOLUTION

LEGISLATIVE RESOLUTION 296. Introduced by Cudaback, 36.

WHEREAS, the Amherst Broncos won the 2006 Class D team championship at the Nebraska High School State Wrestling Championship, their first team championship since 1978; and

WHEREAS, the Broncos clinched the team championship by one point over the Howells Bobcats; and

WHEREAS, the Broncos had seven individual medalists that propelled the team to win the team championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Amherst Broncos on their win of the 2006 Class D team championship at the Nebraska High School State Wrestling Championships.

2. That a copy of this resolution be sent to the Amherst wrestling team and their coach, Tyler Herman.

Laid over.

SELECT FILE

LEGISLATIVE BILL 478. Senator Chambers renewed his pending amendment, FA448, found on page 672 and considered on page 702, to the Cornett pending amendment, AM1810.

Pending.

STANDING COMMITTEE REPORTS
Transportation and Telecommunications

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Duane W. Acklie - State Highway Commission
John Kingsbury - State Highway Commission
Douglas Leafgreen - State Highway Commission
Greg Wolford - State Highway Commission

VOTE: Aye: Senators Stuthman, Hudkins, Foley, Aguilar, Dw. Pedersen, Smith, Baker and Brown. Nay: None. Absent: None.

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Charles A. Borgmann - Nebraska Motor Vehicle Industry Licensing Board

VOTE: Aye: Senators Stuthman, Hudkins, Foley, Aguilar, Dw. Pedersen, Smith, Baker and Brown. Nay: None. Absent: None.

(Signed) Tom Baker, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 745A. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 745, Ninety-ninth Legislature, Second Session, 2006.

SELECT FILE

LEGISLATIVE BILL 478. The Chambers pending amendment, FA448, found on page 672 and considered on page 702 and in this day's Journal, to the Cornett pending amendment, AM1810, was renewed.

Senator Chambers withdrew his amendment.

Senator Cornett renewed her pending amendment, AM1810, found on page 142 and considered on pages 638 and 672.

Senator Chambers offered the following amendment to the Cornett pending amendment:

AM2539

(Amendments to E & R amendments, AM7101)

- 1 1. Insert the following new section:
- 2 Sec. 2. The Legislature hereby finds and declares that:
- 3 (1) Some veterans are more worthy of special, favorable treatment
- 4 by the state than others; (2) not all veterans who served honorably
- 5 should be deemed by the state to be worthy of equal treatment
- 6 when special tax benefits are to be bestowed; (3) the basis
- 7 for creating an elitist group of veterans who are entitled to
- 8 receive special tax benefits from the state is not the nature
- 9 of their service while on active duty, but rather the type of
- 10 job they may procure upon retirement; (4) the type of job they
- 11 procure post-retirement, if contingent upon having a specified
- 12 security clearance and performing specified duties for a private
- 13 corporation, is a rational and fair basis for granting tax benefits
- 14 to them which are denied to other veterans not similarly employed
- 15 by a private corporation; (5) the state is as grateful to the
- 16 non-elitist veterans for their honorable service as it is to
- 17 the elitists, but the needs of private corporations must take
- 18 precedence over the desirability of treating all veterans with
- 19 the same generosity when tax benefits are to be bestowed by the
- 20 state; (6) the state cannot afford the cost of granting the same
- 21 benefits to all veterans who may be worthy of tax breaks, so the
- 22 difficult decision must be made to set apart those elitist-veterans
- 1 who provide a needed service to the private corporations which
- 2 employ them; (7) non-elitist veterans and their families have a
- 3 duty to understand and agree with the decision of the state to
- 4 advance the interests of certain categories of private corporations
- 5 by doing what it can to provide acceptable, qualified workers
- 6 to such private corporations; (8) the business of the state is
- 7 business, and the nature of a job is sufficient justification to
- 8 differentiate between and among veterans when to do so benefits
- 9 private businesses; (9) veterans having the type of clearance
- 10 specified in subsection (12) of section 77-2716 are, indeed, of a
- 11 higher order than veterans who merely served honorably but did not
- 12 procure or do not hold such a clearance; and (10) God should richly
- 13 bless Nebraska, if not all of America, for this largesse bestowed
- 14 upon elitist-veterans.
- 15 2. Renumber the remaining section accordingly.

SPEAKER BRASHEAR PRESIDING

Senator Cornett offered the following motion:

Invoke cloture on LB 478, pursuant to Rule 7, Section 10.

Senator Cornett moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Senator Chambers requested a roll call vote on the Cornett motion to invoke cloture.

Voting in the affirmative, 34:

Aguilar	Combs	Friend	Kruse	Pedersen, Dw.
Baker	Connealy	Heidemann	Landis	Redfield
Beutler	Cornett	Hudkins	Langemeier	Schrock
Bourne	Cunningham	Janssen	Louden	Smith
Brown	Erdman	Jensen	McDonald	Thompson
Burling	Flood	Johnson	Mines	Wehrbein
Byars	Foley	Kremer	Pahls	

Voting in the negative, 4:

Chambers	Preister	Raikes	Synowiecki
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Present and not voting, 10:

Brashear	Engel	Kopplin	Price	Stuhr
Cudaback	Howard	Pederson, D.	Schimek	Stuthman

Excused and not voting, 1:

Fischer

The Cornett motion to invoke cloture prevailed with 34 ayes, 4 nays, 10 present and not voting, and 1 excused and not voting.

The Chambers amendment, AM2539, lost with 3 ayes, 20 nays, 25 present and not voting, and 1 excused and not voting.

Senator Cornett requested a roll call vote on her amendment, AM1810.

Voting in the affirmative, 30:

Aguilar	Byars	Foley	Johnson	Pahls
Baker	Combs	Friend	Kruse	Redfield
Beutler	Connealy	Heidemann	Landis	Schrock
Brashear	Cornett	Howard	Langemeier	Stuthman
Brown	Cunningham	Janssen	Louden	Thompson
Burling	Flood	Jensen	Mines	Wehrbein

Voting in the negative, 3:

Chambers	Engel	Synowiecki
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Present and not voting, 15:

Bourne	Hudkins	McDonald	Preister	Schimek
Cudaback	Kopplin	Pedersen, Dw.	Price	Smith
Erdman	Kremer	Pederson, D.	Raikes	Stuhr

Excused and not voting, 1:

Fischer

The Cornett amendment was adopted with 30 ayes, 3 nays, 15 present and not voting, and 1 excused and not voting.

Senator Cornett requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 23:

Aguilar	Byars	Foley	Louden	Stuthman
Baker	Combs	Janssen	Pahls	Thompson
Beutler	Connealy	Jensen	Raikes	Wehrbein
Brown	Cornett	Johnson	Redfield	
Burling	Flood	Landis	Schrock	

Voting in the negative, 9:

Chambers	Kopplin	Pedersen, Dw.	Schimek	Synowiecki
Engel	Langemeier	Preister	Smith	

Present and not voting, 16:

Bourne	Erdman	Hudkins	Mines
Brashear	Friend	Kremer	Pederson, D.
Cudaback	Heidemann	Kruse	Price
Cunningham	Howard	McDonald	Stuhr

Excused and not voting, 1:

Fischer

Failed to advance to E & R for engrossment with 23 ayes, 9 nays, 16 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

SENATOR CUDABACK PRESIDING

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 881A. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 881, Ninety-ninth Legislature, Second Session, 2006.

LEGISLATIVE BILL 1088A. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1088, Ninety-ninth Legislature, Second Session, 2006.

LEGISLATIVE BILL 1079A. Introduced by McDonald, 41.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1079, Ninety-ninth Legislature, Second Session, 2006.

SELECT COMMITTEE REPORTS
Enrollment and Review**Correctly Reengrossed**

The following bill was correctly reengrossed: LB 875.

Correctly Engrossed

The following bills were correctly engrossed: LBs 196, 409, 757, 795, 860, and 1116.

ER9074

Enrollment and Review Change to LB 196

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 5, "quorum" has been struck and "program" inserted.

ER9070

Enrollment and Review Change to LB 875
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 37, line 11, "23" has been struck and "24" inserted; and in line 13 "21" has been struck and "22" inserted.

(Signed) Michael Flood, Chairperson

SELECT FILE

LEGISLATIVE BILL 853. Senator Baker renewed his pending amendment, AM2348, found on page 715.

Senator Beutler withdrew his pending amendment, FA480, found on page 716.

Senator Beutler renewed his pending amendment, FA481, found on page 730, to the Baker pending amendment.

The Beutler amendment was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

The Baker amendment, as amended, was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Senator Cunningham renewed his pending amendment, AM2296, found on page 725.

The Cunningham amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Senator Smith renewed his pending amendment, AM2357, found on page 730

Senator Smith withdrew his amendment.

Senator Erdman renewed his pending amendment, AM2421, found on page 769.

The Erdman amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Senator Wehrbein renewed the Wehrbein-Stuthman pending amendment, AM2495, found on page 825.

The Wehrbein-Stuthman amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Senator Heidemann offered the following amendment:
FA522

Amendments to E & R amendments, AM7161

1. On page 4, strike beginning with "Any" in line 1

2 through the period in line 7, show the old matter as stricken, and
3 insert " For carrying grain or other seasonally harvested products
4 from the field where such grain or products are harvested to
5 storage, market, or stockpile in the field or from stockpile to
6 market or factory up to seventy miles: (a) Any motor vehicle,
7 semitrailer, or trailer may operate with a load that exceeds the
8 maximum load permitted by section 60-6,294 by fifteen percent
9 on any tandem axle, group of axles, and gross weight; and (b)
10 any truck with no more than two axles may operate with a load
11 that exceeds the maximum load and gross weight for a single axle
12 permitted by section 60-6,294 by fifteen percent. " .

Senator Heidemann withdrew his amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 872. Senator Preister withdrew his pending amendment, AM2383, found on page 751.

Senator Preister offered the following amendment:

AM2550

1 1. Insert the following new sections:
2 Section 1. Section 77-2701, Revised Statutes Supplement,
3 2005, is amended to read:
4 77-2701 Sections 77-2701 to 77-27,135.01, 77-27,222, and
5 77-27,228 to 77-27,234 and section 2 of this act shall be known and
6 may be cited as the Nebraska Revenue Act of 1967.
7 Sec. 2. (1) Any producer of electricity generated by
8 a new zero-emission facility shall earn a renewable energy tax
9 credit. For electricity generated on or after the effective date
10 of this act, and before January 1, 2010, the credit shall be
11 .075 cent for each kilowatt-hour of electricity generated by a
12 new zero-emission facility. For electricity generated on or after
13 January 1, 2010, and before January 1, 2013, the credit shall
14 be .05 cent per kilowatt-hour for electricity generated by a
15 new zero-emission facility. For electricity generated on or after
16 January 1, 2013, and before January 1, 2018, the credit shall be
17 .025 cent per kilowatt-hour for electricity generated by a new
18 zero-emission facility. The credit may be earned for production
19 of electricity for ten years after the date that the facility is
20 placed in operation on or after the effective date of this act.
21 (2) For purposes of this section:
22 (a) Electricity generated by a new zero-emission
23 facility means electricity that is exclusively produced by a new
1 zero-emission facility;
2 (b) Eligible renewable resources means wind, moving
3 water, solar, geothermal, fuel cell, methane gas, or photovoltaic
4 technology; and

(c) New zero-emission facility means an electrical generating facility located in this state that is first placed into service on or after the effective date of this act with a rated production of one megawatt or greater which utilizes eligible renewable resources as its fuel source and for which the operation of the facility results in no pollution or emissions that are or may be harmful to the environment as certified by the Department of Environmental Quality.

(3) The credit allowed under this section may be used to reduce the producer's Nebraska income tax liability or to obtain a refund of state sales and use taxes paid by the producer of electricity generated by a zero-emission facility. A claim to use the credit for refund of the state sales and use taxes paid, either directly or indirectly, by the producer may be filed quarterly for electricity generated during the previous quarter by the twentieth day of the month following the end of the calendar quarter. The credit may be used to obtain a refund of state sales and use taxes paid during the quarter immediately preceding the quarter in which the claim for refund is made, except that the amount refunded under this subsection shall not exceed the amount of the state sales and use taxes paid during the quarter.

(4) The Department of Revenue may adopt and promulgate rules and regulations to permit verification of the validity and timeliness of any renewable energy tax credit claimed.

(5) The Environmental Quality Council may adopt and promulgate rules and regulations to certify that the operation of a new zero-emission facility results in no pollution or emissions that are or may be harmful to the environment.

(6) The total amount of renewable energy tax credits that may be used by all taxpayers shall be limited to four hundred thousand dollars without further authorization from the Legislature.

2. On page 24, line 23, strike "section" and insert "sections 77-2701 and".

3. Renumber the remaining sections accordingly.

The Preister amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 994A. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 994, Ninety-ninth

Legislature, Second Session, 2006; to reduce appropriations; and to declare an emergency.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 771, 787, 789, 792, 815, 819, 823, 833, 921, 941, 1008, 1008A, 1066, 1067, and 1178.

ER9071

Enrollment and Review Change to LB 833

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Byars amendment, AM2507, on page 2, line 19, "in" has been struck.

2. On page 1, line 3, "section" has been struck and "sections 71-104.01 and" inserted; and in line 5 "consultation by nonresidents" has been struck and "the authorized practice of medicine and surgery" inserted.

(Signed) Michael Flood, Chairperson

AMENDMENTS - Print in Journal

Senator Cudaback filed the following amendment to LB 663:
AM2522

(Amendments to E & R amendments, AM7174)

- 1 1. Strike section 30.
- 2 2. On page 27, line 23, strike "60-3,131,".
- 3 3. Renumber the remaining sections accordingly.

Senator Chambers filed the following amendment to LB 663:
FA517

Amendment to AM1816

P. 4, line 13 strike "originally"

Senator Chambers filed the following amendment to LB 663:
FA518

Amendment to AM1816

P. 6, line 12 after "statement" insert "in the form prescribed by the department" and in line 13 strike "in the form prescribed by the department".

Senator Chambers filed the following amendment to LB 663:
FA519

Amendment to AM1816

P. 6, lines 14 and 15 strike "may" and insert "shall".

Senator Chambers filed the following amendment to LB 663:
FA520

Amendment to AM1816

P. 8, line 2 strike "for a determination" and insert "who shall determine".

Senator Beutler filed the following amendment to LB 856:
AM2515

(Amendments to E & R amendments, AM7165)

- 1 1. On page 16, line 15, after the period insert "No
- 2 general funds shall be appropriated for implementation of sections
- 3 54-2607 to 54-2627 after the date of commencement provided for
- 4 in this section of reporting of price and other data regarding
- 5 livestock transactions pursuant to sections 54-2613 and 54-2623.
- 6 It is the intent of the Legislature that any general funds
- 7 appropriated for purposes of this section shall be reimbursed to
- 8 the General Fund.".

Senator Mines filed the following amendment to LB 562:
AM2447

- 1 1. Strike original section 2 and insert the following new
- 2 sections:
- 3 Sec. 2. Section 53-123.04, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 53-123.04 (1) A retail license shall allow the licensee
- 6 to sell and offer for sale at retail either in the original
- 7 package or otherwise, as prescribed in the license, on the premises
- 8 specified in the license or on the premises where catering is
- 9 occurring, alcoholic liquor or beer for use or consumption but not
- 10 for resale in any form except as provided in section 53-175.
- 11 (2) Nothing in the Nebraska Liquor Control Act shall
- 12 prohibit a holder of a Class D license from allowing the sampling
- 13 of tax-paid wine for consumption on the premises by such licensee
- 14 or his or her employees in cooperation with a licensed wholesaler
- 15 in the manner prescribed by the commission.
- 16 (3)(a) A restaurant holding a license to sell alcoholic
- 17 liquor at retail for consumption on the licensed premises may
- 18 permit a customer to remove one unsealed bottle of wine for
- 19 consumption off the premises if the customer has purchased a
- 20 full-course meal and consumed a portion of the bottle of wine with
- 21 such full-course meal on the licensed premises. The licensee or his
- 22 or her agent shall (i) securely reseal such bottle and place the
- 23 bottle in a bag designed so that it is visibly apparent that the
- 1 resealed bottle of wine has not been opened or tampered with and
- 2 (ii) provide a dated receipt to the customer and attach to such bag
- 3 a copy of the dated receipt for the resealed bottle of wine and the
- 4 full-course meal.
- 5 (b) If the resealed bottle of wine is transported in a
- 6 motor vehicle, it must be placed in the trunk of the motor vehicle
- 7 or the area behind the last upright seat of such motor vehicle if

8 the area is not normally occupied by the driver or a passenger and
9 the motor vehicle is not equipped with a trunk.

10 (c) For purposes of this subsection, full-course meal
11 means a diversified selection of food which is ordinarily consumed
12 with the use of tableware and cannot conveniently be consumed while
13 standing or walking.

14 Sec. 3. Section 53-123.11, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 53-123.11 (1) A farm winery license shall entitle the
17 holder to:

18 (a) Sell wines produced at the farm winery onsite at
19 wholesale and retail and to sell wines produced at the farm winery
20 at off-premises sites holding the appropriate retail license;

21 (b) Sell wines produced at the farm winery at retail for
22 consumption on the premises;

23 (c)(i) Permit a customer to remove one unsealed bottle of
24 wine for consumption off the premises. The licensee or his or her
25 agent shall (A) securely reseal such bottle and place the bottle
26 in a bag designed so that it is visibly apparent that the resealed
27 bottle of wine has not been opened or tampered with and (B) provide
1 a dated receipt to the customer and attach to such bag a copy of
2 the dated receipt for the resealed bottle of wine.

3 (ii) If the resealed bottle of wine is transported in a
4 motor vehicle, it must be placed in the trunk of the motor vehicle
5 or the area behind the last upright seat of such motor vehicle if
6 the area is not normally occupied by the driver or a passenger and
7 the motor vehicle is not equipped with a trunk;

8 ~~(e)~~ (d) Ship wines produced at the farm winery by common
9 carrier and sold at retail to recipients in and outside the State
10 of Nebraska, if the output of such farm winery for each calendar
11 year as reported to the commission by December 31 of each year
12 does not exceed thirty thousand gallons. In the event such amount
13 exceeds thirty thousand gallons, the farm winery shall be required
14 to use a licensed wholesaler to distribute its wines for the
15 following calendar year, except that this requirement shall not
16 apply to wines produced and sold onsite at the farm winery pursuant
17 to subdivision (1)(a) of this section; and

18 ~~(d)~~ (e) Allow sampling of the wine at the farm winery and
19 at one branch outlet in the state in reasonable amounts.

20 (2) No farm winery shall manufacture wine in excess of
21 fifty thousand gallons per year.

22 Sec. 4. Section 60-6,211.08, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 60-6,211.08 (1) For purposes of this section:

25 (a) Alcoholic beverage means (i) beer, ale porter, stout,
26 and other similar fermented beverages, including sake or similar
27 products, of any name or description containing one-half of one
1 percent or more of alcohol by volume, brewed or produced from malt,
2 wholly or in part, or from any substitute therefor, (ii) wine of

3 not less than one-half of one percent of alcohol by volume, or
4 (iii) distilled spirits which is that substance known as ethyl
5 alcohol, ethanol, or spirits of wine in any form, including all
6 dilutions and mixtures thereof from whatever source or by whatever
7 process produced. Alcoholic beverage does not include trace amounts
8 not readily consumable as a beverage;

9 (b) Highway means a road or street including the entire
10 area within the right-of-way;

11 (c) Open alcoholic beverage container, except as provided
12 in subsection (3) of section 53-123.04 and subdivision (1)(c) of
13 section 53-123.11, means any bottle, can, or other receptacle:

14 (i) That contains any amount of alcoholic beverage; and

15 (ii)(A) That is open or has a broken seal or (B) the
16 contents of which are partially removed; and

17 (d) Passenger area means the area designed to seat the
18 driver and passengers while the motor vehicle is in operation and
19 any area that is readily accessible to the driver or a passenger
20 while in their seating positions, including any compartments in
21 such area. Passenger area does not include the area behind the last
22 upright seat of such motor vehicle if the area is not normally
23 occupied by the driver or a passenger and the motor vehicle is not
24 equipped with a trunk.

25 (2) It is unlawful for any person in the passenger area
26 of a motor vehicle to possess an open alcoholic beverage container
27 while the motor vehicle is located in a public parking area or on
1 any highway in this state.

2 (3) Except as provided in section 53-186, it is unlawful
3 for any person to consume an alcoholic beverage (a) in a public
4 parking area or on any highway in this state or (b) inside a motor
5 vehicle while in a public parking area or on any highway in this
6 state.

7 Sec. 5. Original sections 53-103, 53-123.04, 53-123.11,
8 and 60-6,211.08, Reissue Revised Statutes of Nebraska, are
9 repealed.

Senator Byars filed the following amendment to LB 994:
AM2532

1 1. On page 15, line 13, strike "January", show as
2 stricken, and insert "July"; and in line 19 strike "amended", show
3 as stricken, and insert "such act existed on the operative date of
4 this section".

5 2. On page 16, line 1, strike "amended", show as
6 stricken, and insert "such title existed on the operative date
7 of this section".

8 3. On page 17, line 11, after "revised" insert
9 "annually"; and in line 12 strike "director annually", show as
10 stricken, and insert "Director of Health and Human Services".

11 4. On page 33, line 20, after "department" insert ". Such
12 data may be released".

- 13 5. On page 34, line 7, after "data" insert "to the"; and
 14 in lines 8 and 9 strike the new matter and reinstate the stricken
 15 matter.
 16 6. On page 35, line 2, strike "shall" and insert "do" and
 17 strike "which one"; and in line 3 strike "other states and" and
 18 insert "another state".
 19 7. On page 41, line 4, after the last comma insert "13,";
 20 in line 11 strike "sections 68-1021.01 and" and insert "section";
 21 in line 17 strike the first "and"; and in line 18 after the second
 22 comma insert "and section 68-1021.01, Revised Statutes Supplement,
 23 2005,".

Senator Friend filed the following amendment to LB 907:
 AM2465

(Amendments to Standing Committee amendments, AM2023)

- 1 1. On page 3, line 24, after "paying" insert "to the
 2 district".
 3 2. On page 4, strike beginning with the comma in line 4
 4 through "any" in line 5; strike beginning with the first "the" in
 5 line 5 through "ordinance" in line 6 and insert "a plan"; in line
 6 7 strike "clerk" and insert "secretary"; in line 8 strike "ten"
 7 and insert "forty-five"; and strike beginning with "date" in line
 8 8 through "hearing" in line 9 and insert "effective date of the
 9 annexation".

Senator Schrock filed the following amendment to LB 975:
 AM2420

(Amendments to Standing Committee amendments, AM2002)

- 1 1. On page 14, line 27, after "application" insert "or a
 2 permit".

Senator Schrock filed the following amendment to LB 975:
 AM2424

(Amendments to FA484)

- 1 1. On page 1, line 14, strike the second "permit"
 2 and insert "approval"; in line 15, strike "or"; and on line 16
 3 after "permit" insert "or an application for a construction and
 4 operating permit or a National Pollutant Discharge Elimination
 5 System permit".

UNANIMOUS CONSENT - Add Cointroducer

Senator Combs asked unanimous consent to add her name as cointroducer to
 LBs 65, 772, 965, 968, 990, 1039, 1047, 1079, 1092, 1179, and LRs 254CA
 and 259CA. No objections. So ordered.

VISITORS

Visitors to the Chamber were Leslie, Noah, and Lilly Clark; Senator Cunningham's parents, Dean and Elda, from Wausa; Senator Mines' mother, Dorothy, and Jane Carmichael and Cecilia Powers from North Bend; participants in Nebraska Cattlemen's Young Cattlemen's Leadership Conference from across the state; and Jeff Stewart and Lonnie Glenn from Omaha.

The Doctor of the Day was Dr. Hal Pumphrey from Lincoln.

ADJOURNMENT

At 12:00 p.m., on a motion by Senator Bourne, the Legislature adjourned until 9:00 a.m., Thursday, March 2, 2006.

Patrick J. O'Donnell
Clerk of the Legislature